

please deliver to:

Michael Judge

RPS Solar Carve-Out Program Coordinator
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Mr. Judge:

We are submitting these comments in response to the "Notice of Public Comment and Hearing" published by the Department of Energy Resources in respect of the public hearing to be held to consider proposed amendments to portions of 225CMR 14 - Renewable Energy Portfolio Standard.- Class I.

PowerPlay Solar Development LLC is the manager of the photovoltaic solar system located at the Berkshire School in Sheffield, MA, owned by PPS Berkshire Solar LLC. The School serves as host and purchases the generation from the system. The system capacity is 2MW DC and has been in commercial operation since December 2011.

We are commenting on two subjects addressed by the proposed amendments: (1) changing a portion of the auction rules; and (2) addressing reduced SREC generation and sales caused by interconnection delays.

Changing Auction Rules

The proposed amendment, Section 14.05(4)(j), page 19 states: "(j) Re-minted Auction Account Attributes may not be placed into the Solar Credit Clearinghouse Auction Account in subsequent years."

The Berkshire School, a long-standing and substantial customer of National Grid, committed to the project based on the promulgated Commonwealth rules and regulations in 2011. The most meaningful part of such rules was the SREC program, which provided confidence that with 3 possible SREC auctions, the very high likelihood of realizing at least \$285/SREC (net). Changing the rules in the middle of a long-term contract, which served as a critical asset upon which the Berkshire School and our investor relied upon now, puts the project returns and benefits at significantly higher risk. We view the proposed change in auction rules as an abrogation of the Commonwealth's 10 year commitment to solar and our project.

The proposed change in auction rules will also have a chilling effect on future industry jobs and critical environmental management, an essential benefit of the SREC program. Investors, lenders, REC purchasers, vendors and other solar industry participants will now shift focus from Massachusetts to projects in other states, until Massachusetts provides a reliable investment environment.

Interconnection Delays

We recognize the proposed Statement of Qualification process (14.06(3)(d), p.30) is designed to ensure only bona fide projects of a sufficient stage of development secure SREC agreements. We note the proposed amendment provides some relief due to utility interconnection delays. However, the proposed represent a material change in rules from the rules in place for currently operating SREC projects, including some that were adversely impacted by interconnection delays.

Our project suffered very significant delays in the interconnection process with National Grid, resulting in a process that lasted 13 months from the date of our initial application. As a result, the productive term of our SREC agreement has been reduced from 40 quarters to 35. This reduction has significantly reduced the return to the project investors and the value of the entire project.

To create a fair and level regulatory environment for all SREC program projects, the 40 quarter SREC contract should only commence upon project commissioning (as is common in other states) and should apply to all SREC projects, including those already in operation.

Thank you for consideration of the above comments.

Steven Levine
Managing Director

cc:

- M. Lockwood, PowerPlay Solar Development
- D. Gulick, PowerPlay Solar Development
- PPS Berkshire Solar LLC
- Berkshire School